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May 13, 2022

The Honorable Sarah Netburn
United States Magistrate Judge
U.S. District Court for the
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001,*
03-MDL-1570 (GBD)(SN)
Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al.,
03-cv-9848 (GBD)(SN)

Dear Judge Netburn:

The undersigned counsel submits this letter in compliance with the Court's Order dated May 4, 2022, ECF No. 7948, concerning duplicative motions for default judgments. Per the Court's Order, the requisite parties met and conferred prior to submission of this letter.

The Plaintiffs in question had previously moved their representation, solely with respect to their claims against the Islamic Republic of Iran and various agencies and instrumentalities of the Islamic Republic of Iran, from Motley Rice LLC ("Motley Rice")—which law firm serves as lead counsel for the plaintiffs in *Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al.*, No. 03-cv-9849 (GBD)(SN), in addition to *Burnett, et al. v. Islamic Rep. of Iran, et al.*, No. 15-cv-9903 (GBD)(SN)—to Wiggins Childs Pantazis Fisher Goldfarb, LLC ("Wiggins Childs"). See ECF Nos. 5006, 5010, and 5013. The Court granted the substitution of attorneys for these Plaintiffs on September 3, 2019. See ECF Nos. 5098, 5099, and 5156. On January 20, 2022, Motley Rice filed the *Burnett* Plaintiffs' Notice of Motion for Entry of Default Judgments Against the Taliban accompanied by a Memorandum of Law and Declaration of John M. Eubanks in support of their motion. See ECF Nos. 7618-7621.¹ To protect the interests of the Plaintiffs in question, for the reasons discussed below, and not having located their names when reviewing the motion and supporting papers filed by Motley Rice, Wiggins Childs

¹ Subsequent motions filed by Motley Rice have been substituted for this initial motion; however, the Kleinberg, Van Auken, and Casazza Plaintiffs remain named on the substituted motion found at ECF No. 7843 (*Burnett* Plaintiffs' Notice of Motion for Entry of Default Judgments Against the Taliban for *Burnett* Plaintiffs with Liability Defaults and Final Judgments Against Iran Defendants).

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filed their motion on February 1, 2022 on behalf of the Plaintiffs in question to protect their interests in default judgments against the Taliban as their underlying claims against Iran now resided with Wiggins Childs. *See ECF No. 7645.*

On February 3, 2022, Robert T. Haefele from Motley Rice spoke with Dennis Pantazis from Wiggins Childs to raise the issue of the duplicative filing at which time Mr. Pantazis apprised Mr. Haefele that these Plaintiffs had requested to move their representation on all matters within this MDL arising out of the terrorist attacks on September 11, 2001, to Wiggins Childs going forward. Because of the perceived urgency of having motions for judgment against the Taliban on file, undersigned counsel filed the motion at Doc. No. 7645 in an abundance of caution to make sure that these Plaintiffs' motions for judgment would be active in *Burnett* in the event they were, for this reason, removed from the Motley Rice filing at Doc. No. 7618 or the future substituted motions. Due to the crush of urgent work at the time, the two-way communications on this particular matter were somewhat slowed. However, counsel are collectively aware of the Court's requirements to avoid duplicative filings and were in the process of correcting the duplicative filing when the Court's May 4 Order was entered.

It was decided that these plaintiffs' representation should remain with Motley Rice at the present time and remain on the motion filed by Motley Rice with the Court. Client directives authorizing the transfer of representation will be signed and delivered to Motley Rice in the near future. However, Motley Rice and Wiggins Childs had decided and agreed that the motion at ECF No. 7645 should be withdrawn as duplicative at the very time when the Court's May 4 order was entered, which dismissed that motion without prejudice. Accordingly, the withdrawal motion is no longer necessary, and these Plaintiffs' representation on all claims in *Burnett* will remain with Motley Rice until further notice.

After the aforementioned client directives are signed and delivered, and after the *Burnett* motion for default judgment against the Taliban is decided, these Plaintiffs will move the Court for an appropriate order transferring all of their pending claims and judgments entered to *Ryan, et al. v. Iran, et al.* This will avoid any further confusion or duplication.

Wiggins Childs and Motley Rice apologize to the Court for the confusion and inconvenience.

Sincerely,

/s/ Dennis Pantazis

Dennis G. Pantazis

DGP/tbt

cc: Timothy B. Fleming, Esquire
John Eubanks, Esquire
Robert Haefele, Esquire